

BERNARD HAMILTON, C-27300
SAN QUENTIN PRISON
SAN QUENTIN, CA 94964

Plaintiff in Pro Per

FILED
2008 JUN 13 PM 3:43
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BERNARD HAMILTON,
Plaintiff,
v
OFFICER ADAMIK, et al.,
Defendants.

Case no. C-06-6268-CW(PR)

NOTICE OF SETTLEMENT, AND PLAINTIFF'S REQUEST FOR DISMISSAL WITH PREJUDICE

On February 7, 2008, a settlement conference was conducted between the Parties in this case by Magistrate Judge Vadas at San Quentin State Prison (SQSP) pursuant to the Pro Se Prisoner Settlement Program. The Plaintiff appeared Pro Se. Deputy Attorney General, Jay C Russell; Attorney Mark Gebhardt, and the Chief Medical Officer of SQSP, Dr. Tootell, appeared on behalf of the Defendants.

A Settlement was reached between the Parties as follows:

- 1) Plaintiff shall be provided a medical chrono allowing him an extra pillow.
- 2) Plaintiff shall be allowed to possess and use his pulse oximeter as long as it is medically necessary.
- 3) Plaintiff will be examined by SQSP doctors for determination on the appropriate treatment of Plaintiff's current medical condition.

1 4) In exchange for the foregoing, Plaintiff will dis-
2 miss the Complaint with prejudice.

3 5) Judge Vadas will retain jurisdiction to monitor this
4 case until the dismissal is filed.

5 (See Defense Counsel's letter, exh. 1)

6 Pursuant to the foresaid agreement, Plaintiff was examined
7 by SQSP doctors and, based thereon, Dr Tootell has provided Plain-
8 tiff with permanent medical chronos allowing Plaintiff to have
9 one quart of ice twice daily; a "CPAP Pillow"; and a laptop com-
puter.

10 Plaintiff states that the Defendants have met the terms of
11 the above stated agreement and, therefor, Pursuant to Federal
12 Rules of Civil Procedure 41(a) at subdivision (2), Plaintiff
13 requests that this court dismiss the above numbered Complaint,
14 with prejudice, against Defendants S. Adamik, C. Barkley, R. Lee,
15 T. Lee, J. Brown, D. Calvo, G. Fuller, N. GRannis, W. Jeppeson,
16 J. Nunez, L. Shaeffer, and W. Williams.

17
18 Date June 11, 2008

19 Respectfully submitted,

20 

21 Bernard Hamilton, Plaintiff in Pro Per.

22
23
24 IT IS SO ORDERED.

25 7/7/08

26 Date _____

27 

28 The Honorable Judge Claudia Wilken
United States District Court
Northern District of California

EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE



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E-Mail: Jay.Russell@doj.ca.gov

February 13, 2008

Mr. Bernard Hamilton
C-27300
San Quentin State Prison
1 Main Street
San Quentin, CA 94964

RE: *Hamilton v. Adamik, et al.*
U.S. District Court, Northern District of California, Case No. C 06-6268 CW (PR)

Dear Mr. Hamilton:

Enclosed is a proposed Settlement and Release Agreement in the above matter. As we agreed at last week's mediation session with Magistrate Judge Vadas, the agreement states that you will receive a medical chrono allowing you to have a second pillow, a medical chrono stating that you shall keep your pulse oximeter for as long as it is medically necessary, and that you will be examined by a physician to determine if you have autonomic neuropathy and, if so, the appropriate treatment for that condition.

In exchange, you will dismiss the above case, as well as the previous filed action entitled *Hamilton v. Adamik*, Case No. 04-4458 CW, with prejudice. Those dismissals will not be filed until the above chronos have been issued and the above-described examination has taken place. Magistrate Judge Vadas will retain jurisdiction to monitor this case until the dismissal is filed.

Please sign the enclosed Settlement and Release Agreement, and the enclosed Stipulations and Requests for Dismissal, and return them in the enclosed envelope. As stated in the agreement, I will hold the Requests for Dismissal, and they will only be filed after the chronos have been issued and the medical examination has taken place.

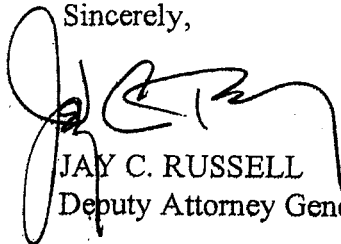
Thank you for your cooperation in this case. If you have any questions, please do not

(exh. 1)

Mr. Bernard Hamilton
February 13, 2008
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hesitate to contact me.

Sincerely,



JAY C. RUSSELL
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General

Enclosures

cc: The Honorable Nandor J. Vadas, United States District Court, Northern District of CA
Mark Gebhardt, Senior Staff Counsel CDCR

DECLARATION OF SERVICE BY MAIL

I, BERNARD HAMILTON, the undersigned, declare:
Printed Name of Declarant

I am over the age of 18 years, a citizen of the United States of America, and am not a party to the cause within. My residence address is:

CDC No. C-27300 Housing 1-E-97
San Quentin State Prison
San Quentin, CA 94974

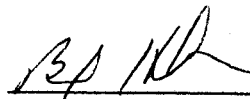
On JUNE 11, 2008, I served the following document(s):
Month/Day Year

NOTICE OF SETTLEMENT, AND PLAINTIFF'S REQUEST FOR DISMISSAL
WITH PREJUDICE

on the parties and at the addresses described below by placing the pleadings in a sealed envelope, with postage fully prepaid, and presented said item(s) to Corrections Department staff for mailing in the United States Mail as per the rules and regulations governing outgoing legal mail at San Quentin State Prison.

CALIFORNIA ATTORNEY GENERAL, DEPUTY JAY C. RUSSELL, 455 GOLDEN
GATE AVENUE, SUITE 11000, SAN FRANCISCO, CA, 94102

I swear under penalty of perjury that the foregoing is true of my own personal knowledge. Executed on this 11th day of June, 2008, at San Quentin, CA, County of Marin.



Signature of declarant